

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

GENOVA BURNS LLC

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MASSEY & GAIL LLP

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1000 Maine Ave. SW, Suite 450
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Tel: (202) 652-4511
Fax: (312) 379-0467
*Special Counsel for the Official Committee of
Talc Claimants*

In re:
LTL MANAGEMENT LLC,¹

Debtor.

Chapter 11

Case No.: 23-12825 (MBK)

Honorable Michael B. Kaplan

DECLARATION OF JONATHAN S. MASSEY

I, Jonathan S. Massey, being of full age, certify as follows:

1. I make this Declaration in support of the fee applications of my law firm Massey & Gail LLP (“Massey & Gail”) in this case.

2. During the course of the appellate proceedings in both LTL’s first bankruptcy case and its second case, Massey & Gail and MoloLamken have efficiently collaborated in a way that has avoided duplication. Massey & Gail and MoloLamken have coordinated appellate work, discussed the assignment of specific projects in advance, and circulated work product between firms for review and comment.

3. During the course of the appellate proceedings in both LTL’s first bankruptcy case and its second case, I have received numerous emails from Debtor’s counsel involving appellate issues. Attached hereto are true and correct copies of some of those emails.

4. Attached hereto as Exhibit A is an email dated October 16, 2023 from LTL counsel.

5. Attached hereto as Exhibit B is an email dated October 16, 2023 from LTL counsel.

6. Attached hereto as Exhibit C is an email dated email dated July 31, 2023 from LTL counsel.

7. Attached hereto as Exhibit D is an email dated September 21, 2022 from LTL counsel.

¹ The last four digits of the Debtor’s taxpayer identification number are 6622. The Debtor’s address is 501 George Street, New Brunswick, New Jersey 08933.

8. Attached hereto as Exhibit E is an email dated June 30, 2022 from LTL counsel.
9. Attached hereto as Exhibit F is an email dated June 28, 2022 from LTL counsel.
10. Attached hereto as Exhibit G is an email dated June 24, 2022 from LTL counsel.
11. Attached hereto as Exhibit H is an email dated June 13, 2022 from LTL counsel.
12. Attached hereto as Exhibit I is an email dated May 20, 2022 from LTL counsel.
13. Attached hereto as Exhibit J is an email dated May 20, 2022 from LTL counsel.
14. Attached hereto as Exhibit K is an email dated May 20, 2022 from LTL counsel.
15. Attached hereto as Exhibit L is an email dated May 19, 2022 from LTL counsel.
16. Attached hereto as Exhibit M is an email dated April 13, 2022 from LTL counsel.

I certify under penalty of perjury that the above information is true.

Date: October 27, 2023

/s/ Jonathan S. Massey

Jonathan S. Massey

Exhibit A

From: [Prieto, Dan B.](#)
To: [Jonathan Massey](#); [Francisco, Noel J.](#); [Marshall, C. Kevin](#); [Gordon, Gregory M.](#); krishansen@paulhastings.com; msirota@coleschotz.com
Cc: [Winograd, Michael S](#); [Molton, David J.](#); mcyganowski@otterbourg.com; [Daniel M. Stolz](#); jlamken@mololamken.com; [Hashem, Rayiner](#); [Usama Ibrahim](#); [Matthew Layden](#)
Subject: RE: LTL, CA3 No. 23-8025
Date: Monday, October 16, 2023 4:23:20 PM

[EXTERNAL EMAIL]

Jonathan,

I have confirmed that LTL is not asserting confidentiality over those pages of Nachawati's deposition testimony.

Dan

Dan B. Prieto
[JONES DAY® - One Firm WorldwideSM](#)
2727 North Harwood
Dallas, TX 75201
Office [+1.214.969.4515](tel:+12149694515)
Cell [+1.972.890.4150](tel:+19728904150)
dbprieto@jonesday.com

From: Jonathan Massey <jmassey@masseygail.com>
Sent: Monday, October 16, 2023 11:36 AM
To: Prieto, Dan B. <dbprieto@JonesDay.com>; Francisco, Noel J. <njfrancisco@jonesday.com>; Marshall, C. Kevin <ckmarshall@JonesDay.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; krishansen@paulhastings.com; msirota@coleschotz.com
Cc: Winograd, Michael S <MWinograd@brownrudnick.com>; Molton, David J. <DMolton@brownrudnick.com>; mcyganowski@otterbourg.com; Daniel M. Stolz <DStolz@genovaburns.com>; jlamken@mololamken.com; Hashem, Rayiner <rhashem@mololamken.com>; Usama Ibrahim <UIbrahim@masseygail.com>; Matthew Layden <mlayden@masseygail.com>
Subject: LTL, CA3 No. 23-8025

Dear Counsel,

I am writing with regard to the TCC's Response to your CA3 petition for leave to appeal, which will be filed this afternoon. The TCC's Response will cite 5 pages from Majed Nachawati's deposition testimony that you have designated confidential. Deposition Testimony Excerpt of Nabil Majed Nachawati, In re LTL Mgmt., LLC, No. 23-12825 (MBK), Bankr. D.N.J., May 24, 2023, pp. 155, 157-158, 166-167.

I am writing to ask the Debtor and AHC to remove this confidentiality designation. In connection with the mandamus petition at the beginning of May, the Third Circuit had this to say on the motion

to seal:

The foregoing motion for leave to file sealed Appendix Volumes 4, 5, 6, and 11 is granted in part and denied in part. The motion is denied insofar as it seeks to seal information the disclosure of which will not result in a clearly defined and serious injury. See *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984) (stating that the party seeking to seal bears the burden of showing that "the material is the kind of information that courts will protect" and that "disclosure will work a clearly defined and serious injury to the party seeking closure."). Among other things, the Petitioner seeks to seal entire deposition transcripts, but there is no showing that everything in the deposition meets the requirements for sealing. Therefore, no later than seven days from the date of this order, the parties shall review the contents of each of the volumes for which sealing is sought and file on the public docket a version of each volume that redacts only information the disclosure of which would cause a clearly defined and serious injury. Panel No. ECO-032. Ambro, Authoring Judge. (PDB) [Entered: 05/09/2023 01:05 PM]

In the wake of that order, the Debtor removed many of its confidentiality designations (see attached letter). The Nachawati deposition occurred after that, but in our view it does not meet the standard set by the Third Circuit for sealing material. If the TCC is required to file a motion to seal because of Majed's testimony, it will make clear it doesn't believe the designations meet the standard set by the Third Circuit and is filing the motion only because other parties to the appeal have continued to maintain their confidentiality designations.

Because our filing is due by 5 pm ET, we will need your response by 2:30 pm ET. My apologies for the rush.

Jonathan Massey
Massey & Gail LLP
The Wharf
1000 Maine Ave. SW, Suite 450
Washington, D.C. 20024
ph (202) 650-5452
cell (202) 256-3888
www.masseygail.com
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Exhibit B

From: [Rasmussen, Mark W.](#)
To: [Jonathan Massey](#)
Cc: [Torborg, David S.](#); [Gordon, Gregory M.](#); [Jones, James M.](#); [Marshall, C. Kevin](#); [Hansen, Kris](#); [Montefusco, Ryan](#); [Molton, David J.](#); [Melanie Cyganowski](#); [Daniel M. Stolz](#); [Francisco, Noel J.](#)
Subject: RE: LTL, CA3 No. 23-8025
Date: Monday, October 16, 2023 3:05:07 PM

[EXTERNAL EMAIL]

Jonathan –

I’m responding to your email below. The Debtor did not designate those pages as confidential so we don’t have any objection to those portions of Mr. Nachawati’s deposition testimony not being treated as confidential. Thanks for reaching out about it.

Sincerely,

Mark

Mark W. Rasmussen
[JONES DAY® - One Firm WorldwideSM](#)
2727 North Harwood Street | Dallas, TX 75201
Office 214.969.4892 | Fax 214.969.5100

From: Prieto, Dan B. <dbprieto@JonesDay.com>
Sent: Monday, October 16, 2023 11:53 AM
To: Rasmussen, Mark W. <mrasmussen@jonesday.com>
Cc: Torborg, David S. <dstorborg@JonesDay.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>
Subject: FW: LTL, CA3 No. 23-8025

Dan B. Prieto
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Dallas, TX 75201
Office [+1.214.969.4515](tel:+12149694515)
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dbprieto@jonesday.com

From: Jonathan Massey <jmassey@masseygail.com>
Date: Monday, Oct 16, 2023 at 11:35 AM
To: Prieto, Dan B. <dbprieto@JonesDay.com>, Francisco, Noel J. <njfrancisco@jonesday.com>, Marshall, C. Kevin <ckmarshall@JonesDay.com>, Gordon, Gregory M. <gmgordon@JonesDay.com>,

krishansen@paulhastings.com <krishansen@paulhastings.com>, msirota@coleschotz.com
<msirota@coleschotz.com>

Cc: Winograd, Michael S <MWinograd@brownrudnick.com>, Molton, David J.
<DMolton@brownrudnick.com>, mcyganowski@otterbourg.com <mcyganowski@otterbourg.com>, Daniel
M. Stolz <DStolz@genovaburns.com>, jlamken@mololamken.com <jlamken@mololamken.com>, Hashem,
Rayiner <rhashem@mololamken.com>, Usama Ibrahim <Ubrahim@masseygail.com>, Matthew Layden
<mLAYDEN@masseygail.com>

Subject: LTL, CA3 No. 23-8025

Dear Counsel,

I am writing with regard to the TCC's Response to your CA3 petition for leave to appeal, which will be filed this afternoon. The TCC's Response will cite 5 pages from Majed Nachawati's deposition testimony that you have designated confidential. Deposition Testimony Excerpt of Nabil Majed Nachawati, In re LTL Mgmt., LLC, No. 23-12825 (MBK), Bankr. D.N.J., May 24, 2023, pp. 155, 157-158, 166-167.

I am writing to ask the Debtor and AHC to remove this confidentiality designation. In connection with the mandamus petition at the beginning of May, the Third Circuit had this to say on the motion to seal:

The foregoing motion for leave to file sealed Appendix Volumes 4, 5, 6, and 11 is granted in part and denied in part. The motion is denied insofar as it seeks to seal information the disclosure of which will not result in a clearly defined and serious injury. See *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984) (stating that the party seeking to seal bears the burden of showing that "the material is the kind of information that courts will protect" and that "disclosure will work a clearly defined and serious injury to the party seeking closure."). Among other things, the Petitioner seeks to seal entire deposition transcripts, but there is no showing that everything in the deposition meets the requirements for sealing. Therefore, no later than seven days from the date of this order, the parties shall review the contents of each of the volumes for which sealing is sought and file on the public docket a version of each volume that redacts only information the disclosure of which would cause a clearly defined and serious injury. Panel No. ECO-032. Ambro, Authoring Judge. (PDB) [Entered: 05/09/2023 01:05 PM]

In the wake of that order, the Debtor removed many of its confidentiality designations (see attached letter). The Nachawati deposition occurred after that, but in our view it does not meet the standard set by the Third Circuit for sealing material. If the TCC is required to file a motion to seal because of Majed's testimony, it will make clear it doesn't believe the designations meet the standard set by the Third Circuit and is filing the motion only because other parties to the appeal have continued to maintain their confidentiality designations.

Because our filing is due by 5 pm ET, we will need your response by 2:30 pm ET. My apologies for the rush.

Jonathan Massey
Massey & Gail LLP

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Exhibit C

From: [Prieto, Dan B.](#)
To: [Daniel Stolz](#); [Jonathan Massey](#)
Cc: [Marshall, C. Kevin](#); [Paul R. DeFilippo](#); [Joseph F. Pacelli](#)
Subject: LTL - PI Appeal
Date: Monday, July 31, 2023 2:41:16 PM

[EXTERNAL EMAIL]

Dan and Jonathan,

In light of the dismissal ruling by Judge Kaplan, LTL would like the TCC's consent to extend the deadlines in the PI Appeal pending entry of the dismissal order.

LTL's current deadline to file a responsive brief is August 2.

Please let us know if the TCC consents.

Thank you,

Dan

Dan B. Prieto
[JONES DAY® - One Firm WorldwideSM](#)
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Dallas, TX 75201
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dbprieto@jonesday.com

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Exhibit D

From: [Marotta, Sean M.](#)
To: [Jonathan Massey](#)
Subject: LTL - OA Transcript?
Date: Wednesday, September 21, 2022 2:58:16 PM

[EXTERNAL EMAIL]

Did you already reach out to the Court about the transcript? I had emailed the arguing counsel yesterday volunteering to do it today and when my team reached out to the Court Reporter, they said that someone had already been in touch.

Fine if you're doing it—it's all coming out of the same pocket in the end, I guess—but was confused.

Sean

Sean Marotta

Partner

Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004

Tel: +1 202 637 5600
Direct: +1 202 637 4881
Fax: +1 202 637 5910
Email: sean.marotta@hoganlovells.com
www.hoganlovells.com

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About Hogan Lovells

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Exhibit E

From: [Marotta, Sean M.](#)
To: [Reining, Michael W.](#); [Joe Satterley](#); [Jonathan Massey](#); jlamken@mololamken.com; [Winograd, Michael S](#); dfrederick@kelloggghansen.com; mdrecun@kelloggghansen.com; rpfister@ktbslaw.com; [Deepak Gupta](#); [Lisa Busch](#); [Justine Delaney](#); [Jerome Block](#); dac@karstvonoiste.com
Cc: [Katyal, Neal K.](#)
Subject: RE: In re LTL Management, LLC (3d Cir.) - Motion to Seal Volumes 19 and 20 of the Joint Appendix
Date: Thursday, June 30, 2022 2:17:58 PM

[EXTERNAL EMAIL]

All—

If you have not given me your clients' position yet, this is a reminder to please do so. We will file the motion once the joint appendix is filed and note the positions we have received.

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Wednesday, June 29, 2022 9:20 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Joe Satterley <jsatterley@kazanlaw.com>; Jonathan Massey <jmassey@masseygail.com>; jlamken@mololamken.com; Winograd, Michael S <MWinograd@brownrudnick.com>; dfrederick@kelloggghansen.com; mdrecun@kelloggghansen.com; rpfister@ktbslaw.com; Deepak Gupta <deepak@guptawessler.com>; Lisa Busch <Lbusch@weitzlux.com>; Justine Delaney <jdelaney@weitzlux.com>; Jerome Block <jblock@levylaw.com>; dac@karstvonoiste.com
Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: In re LTL Management, LLC (3d Cir.) - Motion to Seal Volumes 19 and 20 of the Joint Appendix

[EXTERNAL]

All,

Attached please find a list of the documents in Volumes 19 and 20 (the sealed volumes), and below please find temporary links to those volumes.

Best Regards,
Michael

Record / Appendix - Vol. 19	313889_prt_vol19.pdf	105608 kb	450	View File
Record / Appendix - Vol. 20	313889_prt_vol20.pdf	22418 kb	314	View File



Michael W. Reining

Associate

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Please consider the environment before printing this e-mail

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Sent: Wednesday, June 29, 2022 9:09 PM

To: Joe Satterley <jsatterley@kazanlaw.com>; Jonathan Massey <jmassey@masseygail.com>;
jlamken@mololamken.com; Winograd, Michael S <MWinograd@brownrudnick.com>;
dfrederick@kellogghansen.com; mdrecun@kellogghansen.com; rpfister@ktbslaw.com; Deepak
Gupta <deepak@guptawessler.com>; Lisa Busch <lbusch@weitzlux.com>; Justine Delaney
<jdelaney@weitzlux.com>; Jerome Block <jblock@levylaw.com>; dac@karstvonoiste.com; Reining,
Michael W. <MReining@brownrudnick.com>

Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: In re LTL Management, LLC (3d Cir.) - Motion to Seal Volumes 19 and 20 of the Joint
Appendix

CAUTION: External E-mail. Use caution accessing links or attachments.

As two folks have asked about the particular documents, I am going to tag in Michael Reining at Brown Rudnick, who is the keeper of the draft joint appendix, to share what the documents in Volume 19 and 20 are and links to the draft volumes.

Best,

Sean

From: Joseph D. Satterley <JSatterley@kazanlaw.com>

Sent: Wednesday, June 29, 2022 7:39 PM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Jonathan Massey
<jmassey@masseygail.com>; jlamken@mololamken.com; MWinograd@brownrudnick.com;
dfrederick@kellogghansen.com; mdrecun@kellogghansen.com; rpfister@ktbslaw.com; Deepak
Gupta <deepak@guptawessler.com>; lbusch@weitzlux.com; jdelaney@weitzlux.com;
jblock@levylaw.com; dac@karstvonoiste.com

Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: Re: In re LTL Management, LLC (3d Cir.) - Motion to Seal Volumes 19 and 20 of the Joint
Appendix

[EXTERNAL]

Can you send the documents at issue for discussion?

Thank you
Joe

Get [Outlook for iOS](#)

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Sent: Wednesday, June 29, 2022 2:31:40 PM

To: Jonathan Massey <jmassey@masseygail.com>; jlamken@mololamken.com
<jlamken@mololamken.com>; MWinograd@brownrudnick.com <MWinograd@brownrudnick.com>;
dfrederick@kellogghansen.com <dfrederick@kellogghansen.com>; mdrecun@kellogghansen.com
<mdrecun@kellogghansen.com>; rpfister@ktbslaw.com <rpfister@ktbslaw.com>; Deepak Gupta
<deepak@guptawessler.com>; lbusch@weitzlux.com <lbusch@weitzlux.com>;
jdelaney@weitzlux.com <jdelaney@weitzlux.com>; jblock@levylaw.com <jblock@levylaw.com>;
Joseph D. Satterley <JSatterley@kazanlaw.com>; dac@karstvonoiste.com <dac@karstvonoiste.com>

Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: In re LTL Management, LLC (3d Cir.) - Motion to Seal Volumes 19 and 20 of the Joint Appendix

Counsel—

As you know, we've been working with the TCC on compiling joint appendix. As part of that, volumes 19 and 20 contain documents that were ordered sealed by the bankruptcy court and that LTL will be moving to have remain sealed on appeal in accordance with the Third Circuit Local Rules.

The TCC has told us that it will not oppose the motion and we assume the same is true of the other Appellants. But if you can confirm before we file tomorrow, we would appreciate it.

Best,

Sean

Sean Marotta

Partner

Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004

Tel: +1 202 637 5600
Direct: +1 202 637 4881
Fax: +1 202 637 5910

Email: sean.marotta@hoganlovells.com
www.hoganlovells.com

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If you would like to know more about how we are managing the impact of the COVID-19 pandemic on our firm then take a look at our brief [Q&A](#). If you would like to know more about how to handle the COVID-19 issues facing your business then take a look at our [information hub](#).

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Exhibit F

From: [Marotta, Sean M.](#)
To: [Reining, Michael W.](#); [Valencia, Patrick C.](#)
Cc: [Jonathan Massey](#); [Katyal, Neal K.](#); [Yeh, Ryan](#)
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix
Date: Tuesday, June 28, 2022 4:12:39 PM
Attachments: [image002.png](#)

[EXTERNAL EMAIL]

We're sending an answer in just a few minutes. Thanks for your patience.

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Tuesday, June 28, 2022 4:06 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>; Yeh, Ryan <RYeh@mololamken.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Hi Sean,

Just following up, it would be much appreciated if you could get back to us by 5 pm today so we can try to meet the goal of getting a proof out tonight. I understand that getting excerpts might be tough for you at this stage, but if we could remove (i) the deposition transcripts (i.e., transcripts *other than* the 375 page filing of admitted depo excerpts at Dkt. 1566) and (ii) any other exhibits you can live without at this stage, that would be a big help.

Best,
Michael

brownrudnick

Michael W. Reining

Associate

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New York, NY 10036
T: 212.209.4834
F: 212.938.2934
mreining@brownrudnick.com
www.brownrudnick.com

Please consider the environment before printing this e-mail

From: Reining, Michael W.

Sent: Tuesday, June 28, 2022 11:32 AM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>; Yeh, Ryan <RYeh@mololamken.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

Sean,

Thank you for the call this morning. As discussed, below please find certain docs that we've identified as particularly lengthy and that we'd like to reduce to excerpts if possible (also highlighted on the attached):

Docket

- Trial/hearing transcript for 11/4/21 – about 300 pages

Movants' exhibits

- 1.25 Schedules (LTL0001391-401, 1409-412 & 1814-17) – about 400 pages
- 600.042 – 2020 J&J annual report – about 200 pages
- 600.075 – Disclosure Schedule to APA between Johnson & Johnson Consumer Companies, Inc. and Valeant – about 90 pages
- 601.144 to 601.150 – various annual reports, about 400 pages total

Debtor's exhibits

- 24 – Ingham v. Johnson – about 80 pages
- 76 – 12/8/21 second supp dec of John Kim ISO PI injunction (incl. exhibits A to P) – about 450 pages
- 77 – 1/5/22 third supp dec of Kim ISO PI (incl. exhibits A to U) – about 400 pages
- 111 – J&J 2021 10-K – about 150 pages

Also, with respect to the depo transcripts, we understand that depo testimony came into evidence at trial largely through the 375-page joint stipulation of admitted depo testimony, which contains the relevant quotes from depositions (Dkt. 1566). Considering that Dkt. 1566 will be included in the appendix, would you be amenable to us removing the depo transcripts? This would have the advantage of (i) significantly reducing the volume of the appendix and (ii) removing non-admitted depo testimony from the appendix.

And if there are any other items that you can reduce to excerpts or remove from the appendix, that would be much appreciated!

Best Regards,
Michael

brownrudnick

Michael W. Reining

Associate

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New York, NY 10036
T: 212.209.4834
F: 212.938.2934
mreining@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Sent: Tuesday, June 28, 2022 9:26 AM
To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>; Yeh, Ryan <RYeh@mololamken.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

CAUTION: External E-mail. Use caution accessing links or attachments.

Michael—

I can talk between 10:30 and 2:30. Feel free to send an invite for that window.

(This, by the way, is why I had urged a deferred joint appendix, but we'll see if we can work this through.)

Best,

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Tuesday, June 28, 2022 9:11 AM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>; Yeh, Ryan <RYeh@mololamken.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Thank you, Sean. Do you have time for a quick call this morning to discuss a few time-sensitive matters regarding the appendix? The appellate printer has advised us that the appendix as compiled

would be 32 volumes, and I understand that at this length it may be at risk of getting bounced for being overly voluminous. If there's a time that works for you, I'll circulate a dial-in to this group.

Best Regards,
Michael

brownrudnick

Michael W. Reining

Associate

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mreining@brownrudnick.com
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From: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Sent: Monday, June 27, 2022 6:05 PM
To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

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Thanks, Michael. We will be standing by to review.

Yes, we are happy to take the lead on the sealing motion. We'll just coordinate so that LTL files the motion and Appellants file the joint appendix provisionally under seal pending the motion's outcome in accordance with the Third Circuit's practices. I take it we may state that sealing is unopposed?

Best,

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Monday, June 27, 2022 6:02 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Sean,

As an update on the joint appendix, our goal is to circulate a proof appendix tomorrow afternoon/evening, which, absent any major issues raised by the parties, will become the final appendix shortly thereafter. Also, given that the Debtor is the only party seeking to seal documents, would Debtor's counsel be willing to take the lead on the sealing motion?

Best Regards,
Michael

brownrudnick

Michael W. Reining
Associate

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New York, NY 10036
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F: 212.938.2934
mreining@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Sent: Saturday, June 25, 2022 11:41 AM
To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

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Michael—

Thanks so much for checking in. Three answers below. I'll check on the Exhibit 99 and be back with you.

1. If something was highlighted but not marked "SEALED" in the column, it isn't to be sealed. We initially had a different system for marking exhibits (highlighting things that were additions to your initial list) and I tried to undo it when we turned to giving you a comprehensive list (highlighting only the sealed items), but clearly I didn't get everything.

2. That's fine. We know the items will move around in the index. As long as they are included, we're not stressed over location.

3. Yes, please de-duplicate. No need to kill the trees twice.

From: Reining, Michael W. <MReining@brownrudnick.com>

Sent: Saturday, June 25, 2022 8:39 AM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C.

<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Sean, with respect to exhibits 600.064 through 600.066 on page 8 of the attached, I just wanted to check to see if those items were intentionally highlighted (i.e., should they be sealed?). We've marked them as "to be sealed" for now, but just wanted to check.

Also, with respect to the witness statements that you designate at the end of the table (former items 1664 through 1668), I've included a few comments on where those items will be located in the revised appendix.

Lastly, certain hearing/trial transcripts were filed on both the main and adversary dockets. In these instances, to avoid duplication, are you amenable to us including just the version filed in the main case?

Best,
Michael

brownrudnick

Michael W. Reining

Associate

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New York, NY 10036
T: 212.209.4834
F: 212.938.2934
mreining@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Sent: Friday, June 24, 2022 3:44 PM

To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C.

<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

CAUTION: External E-mail. Use caution accessing links or attachments.

Michael—

The excerpts are the confidential portions. And understood about the separate volume.

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>

Sent: Friday, June 24, 2022 2:59 PM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C.
<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Thank you very much, Sean. Just one quick question so far – with respect to items 1655 (Kim) and 1659 (Mullin), do the excerpts signify the relevant portions for appendix purposes, or, alternatively, are those excerpts signifying the portion of the item that is deemed confidential?

Also, just as a heads up, my understanding is that the rules require us to put sealed docs in a separate volume, so the item numbers are likely to change (we aim to circulate the finalized index as soon as possible early next week).

Best,
Michael

brownrudnick

Michael W. Reining

Associate

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New York, NY 10036
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mreining@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Sent: Friday, June 24, 2022 2:18 PM

To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C.

<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

CAUTION: External E-mail. Use caution accessing links or attachments.

Michael—

Attached is LTL's designations for the joint appendix. Sealed materials are highlighted in yellow and noted. Let us know if you have any questions; we think and hope it's self-explanatory.

As we mentioned on the call, we will get you language for the motion to seal.

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>

Sent: Tuesday, June 21, 2022 7:58 PM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C.

<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Also, I will circulate a dial-in for Thursday at 10 am ET, but happy to adjust if anything changes on your end.

Best,
Michael

brownrudnick

Michael W. Reining

Associate

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mreining@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Reining, Michael W.

Sent: Tuesday, June 21, 2022 6:56 PM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C.
<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

Absolutely, Sean. Happy to talk Thursday morning. To add some additional detail/clarity to my below points, (i) it would be much appreciated if you could provide the comprehensive list of the items you would like included in the appendix by no later than Friday so we can be sure to include those items in the joint appendix, which we will be finalizing over the weekend in order to give the appellate printer sufficient lead time, and (ii) your and Jones Day's input on which items should be filed under seal would be much appreciated.

Best,
Michael

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Michael W. Reining

Associate

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New York, NY 10036
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F: 212.938.2934
mreining@brownrudnick.com
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Please consider the environment before printing this e-mail

From: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Sent: Tuesday, June 21, 2022 6:37 PM

To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C.
<Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

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Michael—

Thanks so much. Can the conversation keep to Thursday morning? We're scheduled to talk to Jones Day tomorrow about JA issues and it'll be a much-more-intelligent conversation with you to have the benefit of their thoughts as well. Happy to talk tomorrow, but it may be more a "listen thoughtfully and we'll get back to you" conversation if we do it tomorrow morning. Patrick and I are generally available Thursday morning.

Best,

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Tuesday, June 21, 2022 5:44 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Thank you, Sean. Any time tomorrow morning would work best for me, but I can similarly make a lot of times work. As a preview, the two main items I'd like to discuss are (i) whether you would be able to provide a comprehensive list of the items you would like included on the appendix (i.e., instead of adding items on to the previously circulated draft appendix index), and (ii) how you would like to handle potentially confidential documents, such as the trial exhibits and deposition transcripts.

Best,
Michael

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Michael W. Reining

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From: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Sent: Tuesday, June 21, 2022 5:32 PM
To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: Re: LTL - 3d Cir Appeal / Joint Appendix

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--

Michael,

Adding Patrick Valencia who is heading up JA issues on our side. I can make a lot of times work.
What's best for you two?

Sean

On Jun 21, 2022, at 5:27 PM, Reining, Michael W. <MReining@brownrudnick.com>
wrote:

[EXTERNAL]

Good afternoon Sean,

Do you have time for a quick call today or tomorrow to discuss a few matters related to
the joint appendix?

Best Regards,
Michael

brownrudnick

Michael W. Reining

Associate

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Please consider the environment before printing this e-mail

From: Jonathan Massey <jmassey@masseygail.com>

Sent: Sunday, June 12, 2022 7:25 AM

To: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Marotta, Sean M.
<sean.marotta@hoganlovells.com>

Cc: Reining, Michael W. <MReining@brownrudnick.com>

Subject: FW: LTL - 3d Cir Appeal / Joint Appendix

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Dear Neal and Sean,
Realizing that this email should have gone to you as well.

Jonathan Massey
Massey & Gail LLP
The Wharf
1000 Maine Ave. SW, Suite 450
Washington, D.C. 20024
ph (202) 650-5452
cell (202) 256-3888
www.masseygail.com
he/his/him

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Friday, June 10, 2022 6:01 PM
To: Prieto, Dan B. <dbprieto@JonesDay.com>
Cc: Winograd, Michael S <MWinograd@brownrudnick.com>; Krzyzowski, Marek P. <MKrzyzowski@brownrudnick.com>; Jonathan Massey <jmassey@masseygail.com>; Lamken, Jeffrey <jlamken@mololamken.com>; Yeh, Ryan <RYeh@mololamken.com>
Subject: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL EMAIL]

Dan,

Attached for your review and comment, please find a draft joint appendix index for the 3d circuit appeals. The items that we would like to include in the appendix are highlighted in pink and red, with the caveat that we may add additional items. Non-highlighted items will ultimately be removed from the index prior to filing but we thought it would make sense to keep them on the index until it is finalized.

Best Regards,
Michael

brownrudnick

Michael W. Reining

Associate

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Exhibit G

From: [Marotta, Sean M.](#)
To: [Reining, Michael W.](#); [Valencia, Patrick C.](#)
Cc: [Jonathan Massey](#); [Katyal, Neal K.](#)
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix
Date: Friday, June 24, 2022 2:22:41 PM
Attachments: [LTL - 3d Cir Appendix HL list of JA designations.docx](#)

[EXTERNAL EMAIL]

Michael—

Attached is LTL's designations for the joint appendix. Sealed materials are highlighted in yellow and noted. Let us know if you have any questions; we think and hope it's self-explanatory.

As we mentioned on the call, we will get you language for the motion to seal.

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Tuesday, June 21, 2022 7:58 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Also, I will circulate a dial-in for Thursday at 10 am ET, but happy to adjust if anything changes on your end.

Best,
Michael

brownrudnick

Michael W. Reining

Associate

Brown Rudnick LLP
Seven Times Square
New York, NY 10036
T: 212.209.4834
F: 212.938.2934
mreining@brownrudnick.com
www.brownrudnick.com

Please consider the environment before printing this e-mail

From: Reining, Michael W.

Sent: Tuesday, June 21, 2022 6:56 PM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

Absolutely, Sean. Happy to talk Thursday morning. To add some additional detail/clarity to my below points, (i) it would be much appreciated if you could provide the comprehensive list of the items you would like included in the appendix by no later than Friday so we can be sure to include those items in the joint appendix, which we will be finalizing over the weekend in order to give the appellate printer sufficient lead time, and (ii) your and Jones Day's input on which items should be filed under seal would be much appreciated.

Best,
Michael

brownrudnick

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From: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Sent: Tuesday, June 21, 2022 6:37 PM

To: Reining, Michael W. <MReining@brownrudnick.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

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Michael—

Thanks so much. Can the conversation keep to Thursday morning? We're scheduled to talk to Jones Day tomorrow about JA issues and it'll be a much-more-intelligent conversation with you to have the benefit of their thoughts as well. Happy to talk tomorrow, but it may be more a "listen thoughtfully and we'll get back to you" conversation if we do it tomorrow morning. Patrick and I are generally available Thursday morning.

Best,

Sean

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Tuesday, June 21, 2022 5:44 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>; Valencia, Patrick C. <Patrick.Valencia@HoganLovells.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Thank you, Sean. Any time tomorrow morning would work best for me, but I can similarly make a lot of times work. As a preview, the two main items I'd like to discuss are (i) whether you would be able to provide a comprehensive list of the items you would like included on the appendix (i.e., instead of adding items on to the previously circulated draft appendix index), and (ii) how you would like to handle potentially confidential documents, such as the trial exhibits and deposition transcripts.

Best,
Michael

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Subject: Re: LTL - 3d Cir Appeal / Joint Appendix

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Michael,

Adding Patrick Valencia who is heading up JA issues on our side. I can make a lot of times work.
What's best for you two?

Sean

On Jun 21, 2022, at 5:27 PM, Reining, Michael W. <MReining@brownrudnick.com>
wrote:

[EXTERNAL]

Good afternoon Sean,

Do you have time for a quick call today or tomorrow to discuss a few matters related to
the joint appendix?

Best Regards,
Michael

brownrudnick

Michael W. Reining

Associate

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From: Jonathan Massey <jmassey@masseygail.com>

Sent: Sunday, June 12, 2022 7:25 AM

To: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Marotta, Sean M.
<sean.marotta@hoganlovells.com>

Cc: Reining, Michael W. <MReining@brownrudnick.com>

Subject: FW: LTL - 3d Cir Appeal / Joint Appendix

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Dear Neal and Sean,

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he/his/him

From: Reining, Michael W. <MReining@brownrudnick.com>
Sent: Friday, June 10, 2022 6:01 PM
To: Prieto, Dan B. <dbprieto@JonesDay.com>
Cc: Winograd, Michael S <MWinograd@brownrudnick.com>; Krzyzowski, Marek P. <MKrzyzowski@brownrudnick.com>; Jonathan Massey <jmassey@masseygail.com>; Lamken, Jeffrey <jlamken@mololamken.com>; Yeh, Ryan <RYeh@mololamken.com>
Subject: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL EMAIL]

Dan,

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Best Regards,
Michael

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Exhibit H

From: [Marotta, Sean M.](#)
To: [Jonathan Massey](#); [Katyal, Neal K.](#)
Cc: [Reining, Michael W.](#)
Subject: RE: LTL - 3d Cir Appeal / Joint Appendix
Date: Monday, June 13, 2022 2:35:03 PM

[EXTERNAL EMAIL]

Thanks, Jonathan. We will take a look and be back with you.

Best,

Sean

From: Jonathan Massey <jmassey@masseygail.com>
Sent: Sunday, June 12, 2022 7:25 AM
To: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Marotta, Sean M. <sean.marotta@hoganlovells.com>
Cc: Reining, Michael W. <MReining@brownrudnick.com>
Subject: FW: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL]

Dear Neal and Sean,
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Cc: Winograd, Michael S <MWinograd@brownrudnick.com>; Krzyzowski, Marek P. <MKrzyzowski@brownrudnick.com>; Jonathan Massey <jmassey@masseygail.com>; Lamken, Jeffrey <jlamken@mololamken.com>; Yeh, Ryan <RYeh@mololamken.com>
Subject: LTL - 3d Cir Appeal / Joint Appendix

[EXTERNAL EMAIL]

Dan,

Attached for your review and comment, please find a draft joint appendix index for the 3d circuit appeals. The items that we would like to include in the appendix are highlighted in pink and red, with the caveat that we may add additional items. Non-highlighted items will ultimately be removed from the index prior to filing but we thought it would make sense to keep them on the index until it is finalized.

Best Regards,
Michael

brownrudnick

Michael W. Reining

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Exhibit I

From: [Marotta, Sean M.](#)
To: [Jonathan Massey](#)
Cc: [Katyal, Neal K.](#); [Winograd, Michael S](#)
Subject: RE: CA3 Nos 22-8015, et al
Date: Friday, May 20, 2022 4:41:22 PM
Attachments: [LTL - Notice Re Docket.pdf](#)

[EXTERNAL EMAIL]

Thanks so much. You've accurately represented our position.

One question: As we understand the Court's notice, the Appellants are to pay the notice-of-appeal fee in the Bankruptcy Court, notify the Court, and then the Court will open the merits dockets for the appeals. So we think this motion should go into the new merits dockets when they are opened, right?

Best,

Sean

From: Jonathan Massey <jmassey@masseygail.com>
Sent: Friday, May 20, 2022 4:25 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Winograd, Michael S <MWinograd@brownrudnick.com>
Subject: RE: CA3 Nos 22-8015, et al

[EXTERNAL]

Dear Sean,

Attached is the draft motion. Thanks for offering to make sure we have represented your positions accurately.

Jonathan Massey
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From: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Sent: Friday, May 20, 2022 1:50 PM
To: Jonathan Massey <jmassey@masseygail.com>

Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: RE: CA3 Nos 22-8015, et al

[EXTERNAL EMAIL]

Good talking just now. Here's the statement on oral argument scheduling I mentioned:

"LTL does not view expedition to be required or warranted and will leave to the Court to schedule oral argument as it deems appropriate."

Happy to take a look at the draft motion and make sure it represents our positions correctly.

Best,

Sean

From: Jonathan Massey <jmassey@masseygail.com>

Sent: Thursday, May 19, 2022 10:44 PM

To: Marotta, Sean M. <sean.marotta@hoganlovells.com>

Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>

Subject: Re: CA3 Nos 22-8015, et al

[EXTERNAL]

Of course. I am thinking of Neal and his family, and am so sorry for them in this difficult time.

On May 19, 2022, at 10:31 PM, Marotta, Sean M. <sean.marotta@hoganlovells.com> wrote:

[EXTERNAL EMAIL]

Thanks so much. I'll be back with you tomorrow morning. Just need to run down LTL's position on our side.

Best,

Sean

From: Jonathan Massey <jmassey@masseygail.com>

Sent: Thursday, May 19, 2022 4:32 PM

To: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Marotta, Sean M. <sean.marotta@hoganlovells.com>

Subject: RE: CA3 Nos 22-8015, et al

[EXTERNAL]

We were assuming normal timetable for reply and normal word limits for the opening Appellants' briefs and replies. Sean, if it is easier to talk on the phone, I am on my cell, 202 256 3888.

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From: Katyal, Neal K. <neal.katyal@hoganlovells.com>

Sent: Thursday, May 19, 2022 4:29 PM

To: Jonathan Massey <jmassey@masseygail.com>; Marotta, Sean M.
<sean.marotta@hoganlovells.com>

Subject: Re: CA3 Nos 22-8015, et al

[EXTERNAL EMAIL]

Thank you. Sean will be back to you. Did you want to let us know when the reply brief would go in, and what your word limit would be for your 4 briefs?

Sent from my mobile.

On May 19, 2022, at 4:27 PM, Jonathan Massey
<jmassey@masseygail.com> wrote:

[EXTERNAL]

Dear Neal,

I realized I should clarify one thing: in No. 22-8016, the individual Appellants' brief would be filed on behalf of Jan Deborah Michelson-Boyle, Katherine Tollefson, Evan Plotkin, and Giovanni Sosa, who are not members of the reconstituted TCC. The remaining individual Appellants in No. 22-8016 – Randy Derouen, Patricia Cook, Tonya Whetsel, and Kristie Doyle – are members of the reconstituted TCC, and they may file some sort of separate joinder to preserve their appellate rights, rather than appearing by name on the brief of Ms. Michelson-Boyle, et al. That issue is still to be resolved. But didn't want to hide that information from

you.

Again, really hate to be bothering you at this terrible time.

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Exhibit J

From: [Marotta, Sean M.](#)
To: [Jonathan Massey](#)
Cc: [Katyal, Neal K.](#)
Subject: RE: CA3 Nos 22-8015, et al
Date: Friday, May 20, 2022 3:53:18 PM

[EXTERNAL EMAIL]

We'll drop the request for a deferred appendix and can coordinate with you on designations when the time comes. We know you won't oppose a reasonable request for a supplemental appendix if we need it.

Sean

From: Jonathan Massey <jmassey@masseygail.com>
Sent: Friday, May 20, 2022 2:03 PM
To: Marotta, Sean M. <sean.marotta@hoganlovells.com>
Cc: Katyal, Neal K. <neal.katyal@hoganlovells.com>
Subject: RE: CA3 Nos 22-8015, et al

[EXTERNAL]

Thanks so much. I talked to the case manager about a deferred appendix. She just stuck to procedure – she said the request would go to a motions panel and she was did not want to speak for the court or say how it would rule. Can't really fault her for that.

If you all feel strongly about a deferred appendix, would you be willing to move separately for it? I think our side would just as soon get the scheduling order in place without anything that might rock the boat.

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Appellants' briefs and replies. Sean, if it is easier to talk on the phone, I am on my cell, 202 256 3888.

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From: Katyal, Neal K. <neal.katyal@hoganlovells.com>
Sent: Thursday, May 19, 2022 4:29 PM
To: Jonathan Massey <jmassey@masseygail.com>; Marotta, Sean M. <sean.marotta@hoganlovells.com>
Subject: Re: CA3 Nos 22-8015, et al

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Exhibit K

From: [Marotta, Sean M.](#)
To: [Jonathan Massey](#)
Cc: [Katyal, Neal K.](#)
Subject: RE: CA3 Nos 22-8015, et al
Date: Friday, May 20, 2022 1:50:08 PM

[EXTERNAL EMAIL]

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[EXTERNAL]

Of course. I am thinking of Neal and his family, and am so sorry for them in this difficult time.

On May 19, 2022, at 10:31 PM, Marotta, Sean M. <sean.marotta@hoganlovells.com> wrote:

[EXTERNAL EMAIL]

Thanks so much. I'll be back with you tomorrow morning. Just need to run down LTL's position on our side.

Best,

Sean

From: Jonathan Massey <jmassey@masseygail.com>
Sent: Thursday, May 19, 2022 4:32 PM

To: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Marotta, Sean M.
<sean.marotta@hoganlovells.com>
Subject: RE: CA3 Nos 22-8015, et al

[EXTERNAL]

We were assuming normal timetable for reply and normal word limits for the opening Appellants' briefs and replies. Sean, if it is easier to talk on the phone, I am on my cell, 202 256 3888.

Jonathan Massey
Massey & Gail LLP
The Wharf
1000 Maine Ave. SW, Suite 450
Washington, D.C. 20024
ph (202) 650-5452
cell (202) 256-3888
www.masseygail.com
he/his/him

From: Katyal, Neal K. <neal.katyal@hoganlovells.com>
Sent: Thursday, May 19, 2022 4:29 PM
To: Jonathan Massey <jmassey@masseygail.com>; Marotta, Sean M.
<sean.marotta@hoganlovells.com>
Subject: Re: CA3 Nos 22-8015, et al

[EXTERNAL EMAIL]

Thank you. Sean will be back to you. Did you want to let us know when the reply brief would go in, and what your word limit would be for your 4 briefs?

Sent from my mobile.

On May 19, 2022, at 4:27 PM, Jonathan Massey
<jmassey@masseygail.com> wrote:

[EXTERNAL]

Dear Neal,
I realized I should clarify one thing: in No. 22-8016, the individual Appellants' brief would be filed on behalf of Jan Deborah Michelson-Boyle, Katherine Tollefson, Evan Plotkin, and Giovanni Sosa, who are not members of the reconstituted TCC. The remaining individual Appellants in No. 22-8016 – Randy Derouen, Patricia Cook, Tonya Whetsel, and

Kristie Doyle – are members of the reconstituted TCC, and they may file some sort of separate joinder to preserve their appellate rights, rather than appearing by name on the brief of Ms. Michelson-Boyle, et al. That issue is still to be resolved. But didn't want to hide that information from you.

Again, really hate to be bothering you at this terrible time.

Jonathan Massey
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If you would like to know more about how we are managing the impact of the COVID-19 pandemic on our firm then take a look at our brief [Q&A](#). If you would like to know more about how to handle the COVID-19 issues facing your business then take a look at our [information hub](#).

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Exhibit L

From: [Marotta, Sean M.](#)
To: [Jonathan Massey](#); [Katyal, Neal K.](#)
Subject: RE: CA3 Nos 22-8015, et al
Date: Thursday, May 19, 2022 10:31:45 PM

[EXTERNAL EMAIL]

Thanks so much. I'll be back with you tomorrow morning. Just need to run down LTL's position on our side.

Best,

Sean

From: Jonathan Massey <jmassey@masseygail.com>
Sent: Thursday, May 19, 2022 4:32 PM
To: Katyal, Neal K. <neal.katyal@hoganlovells.com>; Marotta, Sean M. <sean.marotta@hoganlovells.com>
Subject: RE: CA3 Nos 22-8015, et al

[EXTERNAL]

We were assuming normal timetable for reply and normal word limits for the opening Appellants' briefs and replies. Sean, if it is easier to talk on the phone, I am on my cell, 202 256 3888.

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cell (202) 256-3888
www.masseygail.com
he/his/him

From: Katyal, Neal K. <neal.katyal@hoganlovells.com>
Sent: Thursday, May 19, 2022 4:29 PM
To: Jonathan Massey <jmassey@masseygail.com>; Marotta, Sean M. <sean.marotta@hoganlovells.com>
Subject: Re: CA3 Nos 22-8015, et al

[EXTERNAL EMAIL]

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Sent from my mobile.

On May 19, 2022, at 4:27 PM, Jonathan Massey <jmassey@masseygail.com> wrote:

[EXTERNAL]

Dear Neal,

I realized I should clarify one thing: in No. 22-8016, the individual Appellants' brief would be filed on behalf of Jan Deborah Michelson-Boyle, Katherine Tollefson, Evan Plotkin, and Giovanni Sosa, who are not members of the reconstituted TCC. The remaining individual Appellants in No. 22-8016 – Randy Derouen, Patricia Cook, Tonya Whetsel, and Kristie Doyle – are members of the reconstituted TCC, and they may file some sort of separate joinder to preserve their appellate rights, rather than appearing by name on the brief of Ms. Michelson-Boyle, et al. That issue is still to be resolved. But didn't want to hide that information from you.
Again, really hate to be bothering you at this terrible time.

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If you would like to know more about how we are managing the impact of the COVID-19 pandemic on our firm then take a look at our brief [Q&A](#). If you would like to know more about how to handle the COVID-19 issues facing your business then take a look at our [information hub](#).

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Exhibit M

From: [Prieto, Dan B.](#)
To: [Winograd, Michael S](#)
Cc: [Jonathan Massey](#); [Molton, David J.](#); [Beville, Sunni P.](#); [Melanie Cyganowski](#); [Adam Silverstein](#); [Laura Davis Jones](#); [pwinterhalter@offitkurman.com](#); [mtuchin@ktbslaw.com](#); [rpfister@ktbslaw.com](#); [Hartnett, Kathleen](#); [skidder@ktbslaw.com](#); [nmaoz@ktbslaw.com](#); [Peter J. Keane](#); [Daniel Stolz](#); [Shapiro, Ian](#); [Brian Glasser](#); [Kevin Barrett](#); [Kutcher, Matthew](#); [Speckhart, Cullen](#); [Arthur J. Abramowitz](#); [Gordon, Gregory M.](#); [Jones, James M.](#); [Erens, Brad B.](#); [Rush, Amanda S.](#)
Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit
Date: Wednesday, April 13, 2022 1:58:56 PM

[EXTERNAL EMAIL]

Thanks Mike.

I'll review the joint motion this afternoon and get back to you.

Dan B. Prieto
[JONES DAY® - One Firm WorldwideSM](#)
2727 North Harwood
Dallas, TX 75201
Office [+1.214.969.4515](#)
Cell [+1.972.890.4150](#)
dbprieto@jonesday.com

From: Winograd, Michael S <MWinograd@brownrudnick.com>
Sent: Wednesday, April 13, 2022 12:55 PM
To: Prieto, Dan B. <dbprieto@JonesDay.com>
Cc: Jonathan Massey <jmassey@masseygail.com>; Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>; Melanie Cyganowski <mcyganowski@otterbourg.com>; Adam Silverstein <asilverstein@otterbourg.com>; Laura Davis Jones <ljones@pszjlaw.com>; pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfister@ktbslaw.com; Hartnett, Kathleen <khartnett@cooley.com>; skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszjlaw.com>; Daniel Stolz <dstolz@genovaburns.com>; Shapiro, Ian <ishapiro@cooley.com>; Brian Glasser <BGlasser@baileyglasser.com>; Kevin Barrett <KBarrett@baileyglasser.com>; Kutcher, Matthew <MKutcher@cooley.com>; Speckhart, Cullen <cspeckhart@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>
Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

**** External mail ****

Hi Dan,

The Petitioners all consent to the terms below (April 26 and 9,400 words). On the stay at the

district court level, are you OK with the draft joint motion I sent you? We intend to file it this week.
Thanks.

Regards,
Mike

Michael S. Winograd
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New York, NY 10036

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M: 917.859.6225

mwinograd@brownrudnick.com

From: Prieto, Dan B. <dbprieto@JonesDay.com>

Sent: Wednesday, April 13, 2022 10:13 AM

To: Winograd, Michael S <MWinograd@brownrudnick.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>; Melanie Cyganowski <mcyganowski@otterbourg.com>; Adam Silverstein <asilverstein@otterbourg.com>; Laura Davis Jones <ljones@pszjlaw.com>; pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfister@ktbslaw.com; Hartnett, Kathleen <khartnett@cooley.com>; skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszjlaw.com>; Daniel Stolz <dstolz@genovaburns.com>; Shapiro, Ian <ishapiro@cooley.com>; Brian Glasser <BGlasser@baileyglasser.com>; Kevin Barrett <KBarrett@baileyglasser.com>; Kutcher, Matthew <MKutcher@cooley.com>; Speckhart, Cullen <cspeckhart@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>

Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

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Mike:

Thanks for the quick response.

The Debtor is willing to further compromise as follows:

1. The Debtor's consolidated answer will be due Tuesday, April 26.
2. The Debtor's consolidated answer will be limited to 9,400 words.

Assuming this is acceptable to the appellants, the Debtor consents to staying the appeal briefing in the District Court.

Finally, the Debtor does not agree that the Third Circuit should expedite its consideration of the petitions.

Please let me know if the Debtor's briefing schedule proposal is acceptable.

Either way, the Debtor intends to file a motion with the Third Circuit today.

As I indicated earlier, if we are unable to reach agreement on a schedule, we will seek 20 days to respond and 10,400 words.

Thank you,

Dan

Dan B. Prieto

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dbprieto@jonesday.com

From: Winograd, Michael S <MWinograd@brownrudnick.com>

Sent: Tuesday, April 12, 2022 6:32 PM

To: Prieto, Dan B. <dbprieto@JonesDay.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>; Melanie Cyganowski <mcyanowski@otterbourg.com>; Adam Silverstein <asilverstein@otterbourg.com>; Laura Davis Jones <ljones@pszjlaw.com>; pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfister@ktbslaw.com; Hartnett, Kathleen <khartnett@cooley.com>; skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszjlaw.com>; Daniel Stolz <dstolz@genovaburns.com>; Shapiro, Ian <ishapiro@cooley.com>; Brian Glasser <BGlasser@baileyglasser.com>; Kevin Barrett <KBarrett@baileyglasser.com>; Kutcher, Matthew <MKutcher@cooley.com>; Speckhart, Cullen <cspeckhart@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>

Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

**** External mail ****

Hi Dan,

We agree it makes sense for all parties to avoid a dispute over deadlines and page lengths. The

following are petitioners' responses to your proposals, as well as notes on a couple of additional points:

- On timing, 10 days from today would be the outside date for the two petitions, and our offer was to extend that to all petitions (otherwise, for example, your response to TCC I's petition would be due this week). How about if we just agree on Monday, April 25 for your omnibus response?
- On page length, the vast majority of what is in the four petitions overlaps. Yes, you could write four responses, but the majority of each one of those would be repetitive because each would have to address the same arguments. Getting double the length under those circumstances seems unnecessary. We proposed 7,800 pages as a fair compromise. We'd suggest 8,500 pages as a further compromise to resolve this.
- Further to our discussion yesterday, have you considered whether in principal Debtor will agree to a request that the Third Circuit expedite its consideration of the petitions once briefed?
- Also, and again further to our discussion yesterday, has the Debtor decided whether it will consent to staying appeal briefing before the District Court? We'd like to get something on file there soon as well.

Happy to discuss any of this live if easier. Thanks.

Regards,
Mike

Michael S. Winograd
BROWN RUDNICK LLP

7 Times Square
New York, NY 10036
T: 212.209.4917
M: 917.859.6225

mwinograd@brownrudnick.com

From: Prieto, Dan B. <dbprieto@JonesDay.com>

Sent: Tuesday, April 12, 2022 5:44 PM

To: Winograd, Michael S <MWinograd@brownrudnick.com>; Speckhart, Cullen
<cspeckhart@cooley.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Hartnett, Kathleen <khartnett@cooley.com>;
Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>;
Melanie Cyganowski <mcyganowski@otterbourg.com>; Adam Silverstein
<asilverstein@otterbourg.com>; Laura Davis Jones <ljones@pszjlaw.com>;
pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfigister@ktbslaw.com;
skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszjlaw.com>; Daniel Stolz
<dstolz@genovaburns.com>; Shapiro, Ian <ishapiro@cooley.com>; Brian Glasser
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<MKutcher@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon,
Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad
B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>

Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

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Mike,

I have discussed the appellants' proposal on the briefing schedule with the Debtor.

We believe the Third Circuit is likely to grant our request even if it is not consensual, but we would prefer to avoid any disputes over this.

As a result, we are willing to agree to the following;

1. The debtor will have 15 days after the last filed petition to file a consolidated response. This strikes us as a fair compromise because it is in between what we proposed and you proposed and we think is less time than the third circuit will give us.
2. The Debtor's consolidated answer will be limited to 10,400 words (rather than 5,200 words).

We continue to believe that our proposal on the word count is fair given that we are replying to 4 separate petitions.

Please let me know if this proposal is acceptable or you want to discuss.

Dan

Dan B. Prieto

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dbprieto@jonesday.com

From: Winograd, Michael S <MWinograd@brownrudnick.com>

Date: Monday, Apr 11, 2022, 4:53 PM

To: Prieto, Dan B. <dbprieto@JonesDay.com>, Speckhart, Cullen <cspeckhart@cooley.com>

Cc: Jonathan Massey <jmassey@masseygail.com>, Hartnett, Kathleen <khartnett@cooley.com>, Molton, David J. <DMolton@brownrudnick.com>, Beville, Sunni P. <SBeville@brownrudnick.com>, Melanie Cyganowski <mcyanowski@otterbourg.com>, Adam Silverstein <asilverstein@otterbourg.com>, Laura Davis Jones <ljones@pszjlaw.com>, pwinterhalter@offitkurman.com <pwinterhalter@offitkurman.com>, mtuchin@ktbslaw.com <mtuchin@ktbslaw.com>, rpfigster@ktbslaw.com <rpfigster@ktbslaw.com>,

skidder@ktbslaw.com <skidder@ktbslaw.com>, nmaoz@ktbslaw.com <nmaoz@ktbslaw.com>, Peter J. Keane <pkeane@pszilaw.com>, Daniel Stolz <dstolz@genovaburns.com>, Shapiro, Ian <ishapiro@cooley.com>, Brian Glasser <BGlasser@baileyglasser.com>, Kevin Barrett <KBarrett@baileyglasser.com>, Kutcher, Matthew <MKutcher@cooley.com>, Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>, Gordon, Gregory M. <gmgordon@JonesDay.com>, Jones, James M. <jmjones@JonesDay.com>, Erens, Brad B. <bberens@JonesDay.com>, Rush, Amanda S. <asrush@jonesday.com>

Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

**** External mail ****

Click on +1-877-211-3621,481418# or see below for details

Call in Number: +1-877-211-3621

Access Code: 481418#

Should have been in an Outlook invitation, but not sure all received it.

Michael S. Winograd
BROWN RUDNICK LLP

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T: 212.209.4917

M: 917.859.6225

mwinograd@brownrudnick.com

From: Prieto, Dan B. <dbprieto@JonesDay.com>

Sent: Monday, April 11, 2022 4:48 PM

To: Winograd, Michael S <MWinograd@brownrudnick.com>; Speckhart, Cullen <cspeckhart@cooley.com>

Cc: Jonathan Massey <jmassey@masseygail.com>; Hartnett, Kathleen <khartnett@cooley.com>; Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>; Melanie Cyganowski <mcyganowski@otterbourg.com>; Adam Silverstein <asilverstein@otterbourg.com>; Laura Davis Jones <ljones@pszilaw.com>; pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfister@ktbslaw.com; skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszilaw.com>; Daniel Stolz <dstolz@genovaburns.com>; Shapiro, Ian <ishapiro@cooley.com>; Brian Glasser <BGlasser@baileyglasser.com>; Kevin Barrett <KBarrett@baileyglasser.com>; Kutcher, Matthew <MKutcher@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>

Subject: RE: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

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Mike,

Is there a call in number for our 5 PM ET call?

Dan B. Prieto

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From: Winograd, Michael S <MWinograd@brownrudnick.com>

Sent: Monday, April 11, 2022 7:11 AM

To: Speckhart, Cullen <cspeckhart@cooley.com>

Cc: Prieto, Dan B. <dbprieto@JonesDay.com>; Jonathan Massey <jmassey@masseygail.com>; Hartnett, Kathleen <khartnett@cooley.com>; Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>; Melanie Cyganowski <mcyganowski@otterbourg.com>; Adam Silverstein <asilverstein@otterbourg.com>; Laura Davis Jones <ljones@pszjlaw.com>; pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfister@ktbslaw.com; skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszjlaw.com>; Daniel Stolz <dstolz@genovaburns.com>; Shapiro, Ian <ishapiro@cooley.com>; Brian Glasser <BGlasser@baileyglasser.com>; Kevin Barrett <KBarrett@baileyglasser.com>; Kutcher, Matthew <MKutcher@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>

Subject: Re: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

**** External mail ****

In response to Dan's email on the other thread, 5:00 pm works for me. Jon, Laura, Rob?

Michael S. Winograd

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M: 917.859.6225

mwinograd@brownrudnick.com

On Apr 11, 2022, at 8:00 AM, Winograd, Michael S <MWinograd@brownrudnick.com> wrote:

Our emails crossed. I am available to speak this afternoon. Would 3:30 pm work for a quorum?

Michael S. Winograd
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M: 917.859.6225
mwinograd@brownrudnick.com

On Apr 11, 2022, at 7:58 AM, Speckhart, Cullen <cspeckhart@cooley.com> wrote:

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I am adding Kathleen and Jon to this string.

CDS

Cullen D. Speckhart
Partner

Cooley LLP
[Washington, D.C.](#) Office: [\(202\) 776 2052](#)
New York Office: (212) 479 6657
Mobile: [\(757\) 618 0793](#)
Email: cspeckhart@cooley.com

On Apr 11, 2022, at 7:54 AM, Prieto, Dan B. <dbprieto@jonesday.com> wrote:

[External]

I want to follow up on this.

Thanks.

Dan B. Prieto
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Cell [+1.972.890.4150](#)
dbprieto@jonesday.com

From: Winograd, Michael S <MWinograd@brownrudnick.com>
Sent: Thursday, April 7, 2022 10:02 AM
To: Prieto, Dan B. <dbprieto@JonesDay.com>
Cc: Molton, David J. <DMolton@brownrudnick.com>; Beville, Sunni P. <SBeville@brownrudnick.com>; Melanie Cyganowski <mcyganowski@otterbourg.com>; Adam Silverstein <asilverstein@otterbourg.com>; Cullen Speckhart <cspeckhart@cooley.com>; Laura Davis Jones <ljones@pszjlaw.com>; pwinterhalter@offitkurman.com; mtuchin@ktbslaw.com; rpfister@ktbslaw.com; skidder@ktbslaw.com; nmaoz@ktbslaw.com; Peter J. Keane <pkeane@pszjlaw.com>; Daniel Stolz <dstolz@genovaburns.com>; Ian Shapiro <IShapiro@cooley.com>; Brian Glasser <BGlasser@baileyglasser.com>; Kevin Barrett <KBarrett@baileyglasser.com>; Kutcher, Matthew <MKutcher@cooley.com>; Arthur J. Abramowitz <aabramowitz@shermansilverstein.com>; Gordon, Gregory M. <gmgordon@JonesDay.com>; Jones, James M. <jmjones@JonesDay.com>; Erens, Brad B. <bberens@JonesDay.com>; Rush, Amanda S. <asrush@jonesday.com>
Subject: Re: LTL - Briefing Scheduling for Petitions for Direct Appeal to Third Circuit

**** External mail ****

Dan,

For TCC I, we will discuss with our clients. In the meantime, what is the rationale for asking for double the amount of time allotted under the rules (20 days instead of 10) in addition to starting from the last filed petition? That seems excessive. Also, given what presumably will be overlap in the petitions, double the page limit likewise seems excessive. Happy to discuss live after we have conferred with our clients.

Regards,
Mike

Michael S. Winograd
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mwinograd@brownrudnick.com

On Apr 7, 2022, at 10:52 AM, Prieto, Dan B. <dbprieto@jonesday.com> wrote:

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All:

The Debtor intends to file a motion with the Third Circuit requesting an extension of the deadline under Federal Rule of Appellate Procedure 5(d)(2) to file an answer to the petitions for authorization of direct appeal to the Third Circuit.

The primary basis for an extension is that the Debtor believes it would be more efficient if the Debtor files one consolidated answer to each of the petitions. However, to date only TCC I has filed its petition, and the Debtor currently has a deadline of April 15 to file an answer to it.

As a result, the Debtor intends to file a motion with the Third Circuit seeking the following relief:

- (1) The deadline for the Debtor to answer the petitions filed by TCC I, TCC II, Aylstock, and Arnold & Itkins is extended until 20 days after the last petition is filed by the parties.
- (2) The Debtor will file a consolidated answer to the petitions (rather than file an answer to each of the petition separately).
- (3) The Debtor's consolidated answer will be limited to 10,400 words (rather than 5,200 words).

Please let me know if each of your respective clients consents to the proposed relief or opposes it.

We intend to file a motion with the Third Circuit on Monday.

Thank you

Dan

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